

**§ 74.48 Transfer of allowances from the replacement of thermal energy—process sources. [Reserved]****§ 74.49 Calculation for deducting allowances.**

(a) *Allowance deduction formula.* The following formula shall be used to determine the total number of allowances to be deducted for the calendar year from the allowances held in an opt-in source's compliance subaccount as of the allowance transfer deadline applicable to that year:

Total allowances deducted = Tons emitted + Allowances deducted for reduced utilization where:

(1)(i) Except as provided in paragraph (a)(1)(ii) of this section, "Tons emitted" shall be the total tons of sulfur dioxide emitted by the opt-in source during the calendar year, as reported in accordance with subpart F of this part for combustion sources or subpart G of this part for process sources.

(ii) If the effective date of the opt-in source's permit took effect on a date other than January 1, "Tons emitted" for the first calendar year shall be the total tons of sulfur dioxide emitted by the opt-in source during the calendar quarters for which the opt-in source's opt-in permit is effective, as reported in accordance with subpart F of this part for combustion sources or subpart G of this part for process sources.

(2) "Allowances deducted for reduced utilization" shall be the total number of allowances deducted for reduced utilization as calculated in accordance with § 74.44 for combustion sources or § 74.45 for process sources.

**§ 74.50 Deducting opt-in source allowances from ATS accounts.**

(a) *Deduction of allowances.* The Administrator may deduct any allowances that were allocated to an opt-in source under § 74.40 by removing, from any Allowance Tracking System accounts in which they are held, the allowances in an amount specified in paragraph (d) of this section, under the following circumstances:

- (1) When the opt-in source has permanently shut down; or
- (2) When the opt-in source has been reconstructed; or

(3) When the opt-in source becomes an affected unit under § 72.6 of this chapter; or

(4) When the opt-in source fails to renew its opt-in permit.

(b) *Method of deduction.* The Administrator will deduct allowances beginning with those allowances with the latest recorded date of transfer out of the opt-in source's unit account.

(c) *Notification of deduction.* When allowances are deducted, the Administrator will send a written notification to the authorized account representative of each Allowance Tracking System account from which allowances were deducted. The notification will state:

(1) The serial numbers of all allowances deducted from the account,

(2) The reason for deducting the allowances, and

(3) The date of deduction of the allowances.

(d) *Amount of deduction.* The Administrator may deduct allowances in accordance with paragraph (a) of this section in an amount required to offset any excess emissions in accordance with part 77 of this chapter and when an opt-in source does not hold allowances equal in number to and with the same or earlier compliance use date for the calendar years specified under § 74.46(b)(1) (i) through (iv) in an amount required to be deducted under § 74.46(b)(1) (i) through (iv).

**Subpart F—Monitoring Emissions: Combustion Sources****§ 74.60 Monitoring requirements.**

(a) *Monitoring requirements for combustion sources.* The owner or operator of each combustion source shall meet all of the requirements specified in part 75 of this chapter for the owners and operators of an affected unit to install, certify, operate, and maintain a continuous emission monitoring system, an excepted monitoring system, or an approved alternative monitoring system in accordance with part 75 of this chapter.

(b) *Monitoring requirements for opt-in sources.* The owner or operator of each opt-in source shall install, certify, operate, and maintain a continuous emission monitoring system, an excepted

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monitoring system, an approved alternative monitoring system in accordance with part 75 of this chapter.

### § 74.61 Monitoring plan.

(a) *Monitoring plan.* The designated representative of a combustion source shall meet all of the requirements specified under part 75 of this chapter for a designated representative of an affected unit to submit to the Administrator a monitoring plan that includes the information required in a monitoring plan under § 75.53 of this chapter. This monitoring plan shall be submitted as part of the combustion source's opt-in permit application under § 74.14 of this part.

(b) [Reserved]

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## PART 75—CONTINUOUS EMISSION MONITORING

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## Environmental Protection Agency

## § 75.3

APPENDIX A TO PART 75—SPECIFICATIONS AND TEST PROCEDURES  
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APPENDIX J TO PART 75—COMPLIANCE DATES FOR REVISED RECORDKEEPING REQUIREMENTS AND MISSING DATA PROCEDURES

AUTHORITY: 42 U.S.C. 7601 and 7651k.

SOURCE: 58 FR 3701, Jan. 11, 1993, unless otherwise noted.

### Subpart A—General

#### § 75.1 Purpose and scope.

(a) *Purpose.* The purpose of this part is to establish requirements for the monitoring, recordkeeping, and reporting of sulfur dioxide, nitrogen oxides, and carbon dioxide emissions, volumetric flow, and opacity data from affected units under the Acid Rain Program pursuant to sections 412 and 821 of the Clean Air Act, 42 U.S.C. 7401–7671q as amended by Public Law 101–549 (November 15, 1990) (the Act).

(b) *Scope.* (1) The regulations established under this part include general requirements for the installation, certification, operation, and maintenance of continuous emission or opacity monitoring systems and specific requirements for the monitoring of SO<sub>2</sub> emissions, volumetric flow, NO<sub>x</sub> emissions, opacity, CO<sub>2</sub> emissions and SO<sub>2</sub> emissions removal by qualifying Phase I technologies. Specifications for the installation and performance of continuous emission monitoring systems, certification tests and procedures, and quality assurance tests and procedures are included in appendices A and B to this part. Criteria for alternative monitoring systems and provisions to account for missing data from certified

continuous emission monitoring systems or approved alternative monitoring systems are also included in the regulation.

(2) Statistical estimation procedures for missing data are included in appendix C to this part. Optional protocols for estimating SO<sub>2</sub> mass emissions from gas-fired or oil-fired units and NO<sub>x</sub> emissions from gas-fired peaking or oil-fired peaking units are included in appendices D and E, respectively, to this part. Requirements for recording and recordkeeping of monitoring data and for quarterly electronic reporting also are specified. Procedures for conversion of monitoring data into units of the standard are included in appendix F to this part. Procedures for the monitoring and calculation of CO<sub>2</sub> emissions are included in appendix G of this part.

[58 FR 3701, Jan. 11, 1993; 58 FR 34126, June 23, 1993; 58 FR 40747, July 30, 1993]

#### § 75.2 Applicability.

(a) Except as provided in paragraph (b) of this section, the provisions of this part apply to each affected unit subject to Acid Rain emission limitations or reduction requirements for SO<sub>2</sub> or NO<sub>x</sub>.

(b) The provisions of this part do not apply to:

(1) A new unit for which a written exemption has been issued under § 72.7 of this chapter (any new unit that serves one or more generators with total nameplate capacity of 25 MWe or less and burns only fuels with a sulfur content of 0.05 percent or less by weight may apply to the Administrator for an exemption); or

(2) Any unit not subject to the requirements of the Acid Rain Program due to operation of any paragraph of § 72.6(b) of this chapter; or

(3) An affected unit for which a written exemption has been issued under § 72.8 of this chapter and an exception granted under § 75.67 of this part.

[58 FR 3701, Jan. 11, 1993, as amended at 58 FR 15716, Mar. 23, 1993; 60 FR 26516, May 17, 1995]

#### § 75.3 General Acid Rain Program provisions.

The provisions of part 72, including the following, shall apply to this part:

- (a) § 72.2 (Definitions);
- (b) § 72.3 (Measurements, Abbreviations, and Acronyms);
- (c) § 72.4 (Federal Authority);
- (d) § 72.5 (State Authority);
- (e) § 72.6 (Applicability);
- (f) § 72.7 (New Unit Exemption);
- (g) § 72.8 (Retired Units Exemption);
- (h) § 72.9 (Standard Requirements);
- (i) § 72.10 (Availability of Information); and
- (j) § 72.11 (Computation of Time).

In addition, the procedures for appeals of decisions of the Administrator under this part are contained in part 78 of this chapter.

#### § 75.4 Compliance dates.

(a) The provisions of this part apply to each existing Phase I and Phase II unit on February 10, 1993. For substitution or compensating units that are so designated under the acid rain permit which governs the unit and contains the approved substitution or reduced utilization plan, pursuant to § 72.41 or § 72.43 of this chapter, the provisions of this part become applicable upon the issuance date of the acid rain permit. For combustion sources seeking to enter the Opt-in Program in accordance with part 74 of this chapter, the provisions of this part become applicable upon the submission of an opt-in permit application in accordance with § 74.14 of this chapter. In accordance with § 75.20, the owner or operator of each existing affected unit shall ensure that all monitoring systems required by this part for monitoring SO<sub>2</sub>, NO<sub>x</sub>, CO<sub>2</sub>, opacity, and volumetric flow are installed and all certification tests are completed not later than the following dates (except as provided in paragraphs (d) through (h) of this section):

(1) For a unit listed in Table 1 of § 73.10(a) of this chapter, November 15, 1993.

(2) For a substitution or a compensating unit that is designated under an approved substitution plan or reduced utilization plan pursuant to § 72.41 or § 72.43 of this chapter, or for a unit that is designated an early election unit under an approved NO<sub>x</sub> compliance plan pursuant to part 76 of this chapter, that is not conditionally ap-

proved and that is effective for 1995, the earlier of the following dates:

- (i) January 1, 1995; or
- (ii) 90 days after the issuance date of the Acid Rain permit (or date of approval of permit revision) that governs the unit and contains the approved substitution plan, reduced utilization plan, or NO<sub>x</sub> compliance plan.

(3) For either a Phase II unit, other than a gas-fired unit or an oil-fired unit, or a substitution or compensating unit that is not a substitution or compensating unit under paragraph (a)(2) of this section: January 1, 1995.

(4) For a gas-fired Phase II unit or an oil-fired Phase II unit, January 1, 1995, except that installation and certification tests for continuous emission monitoring systems for NO<sub>x</sub> and CO<sub>2</sub> or excepted monitoring systems for NO<sub>x</sub> under appendix E or CO<sub>2</sub> estimation under appendix G of this part shall be completed as follows:

(i) For an oil-fired Phase II unit or a gas-fired Phase II unit located in an ozone nonattainment area or the ozone transport region, not later than July 1, 1995; or

(ii) For an oil-fired Phase II unit or a gas-fired Phase II unit not located in an ozone nonattainment area or the ozone transport region, not later than January 1, 1996.

(5) For combustion sources seeking to enter the Opt-in Program in accordance with part 74 of this chapter, the expiration date of a combustion source's opt-in permit under § 74.14(e) of this chapter.

(b) In accordance with § 75.20, the owner or operator of each new affected unit shall ensure that all monitoring systems required under this part for monitoring of SO<sub>2</sub>, NO<sub>x</sub>, CO<sub>2</sub>, opacity, and volumetric flow are installed and all certification tests are completed on or before the later of the following dates:

(1) January 1, 1995, except that for a gas-fired unit or oil-fired unit located in an ozone nonattainment area or the ozone transport region, the date for installation and completion of all certification tests for NO<sub>x</sub> and CO<sub>2</sub> monitoring systems shall be July 1, 1995 and for a gas-fired unit or an oil-fired unit not located in an ozone nonattainment area or the ozone transport region, the

date for installation and completion of all certification tests for NO<sub>x</sub> and CO<sub>2</sub> monitoring systems shall be January 1, 1996; or

(2) Not later than 90 days after the date the unit commences commercial operation, notice of which date shall be provided under subpart G of this part.

(c) In accordance with § 75.20, the owner or operator of any unit affected under any paragraph of § 72.6(a)(3) (ii) through (vii) of this chapter shall ensure that all monitoring systems required under this part for monitoring of SO<sub>2</sub>, NO<sub>x</sub>, CO<sub>2</sub>, opacity, and volumetric flow are installed and all certification tests are completed on or before the later of the following dates:

(1) January 1, 1995, except that for a gas-fired unit or oil-fired unit located in an ozone nonattainment area or the ozone transport region, the date for installation and completion of all certification tests for NO<sub>x</sub> and CO<sub>2</sub> monitoring systems shall be July 1, 1995 and for a gas-fired unit or an oil-fired unit not located in an ozone nonattainment area or the ozone transport region, the date for installation and completion of all certification tests for NO<sub>x</sub> and CO<sub>2</sub> monitoring systems shall be January 1, 1996; or

(2) Not later than 90 days after the date the unit becomes subject to the requirements of the Acid Rain Program, notice of which date shall be provided under subpart G of this part.

(d) In accordance with § 75.20, the owner or operator of an existing unit that is shutdown and is not yet operating by the applicable dates listed in paragraph (a) of this section, shall ensure that all monitoring systems required under this part for monitoring of SO<sub>2</sub>, NO<sub>x</sub>, CO<sub>2</sub>, opacity, and volumetric flow are installed and all certification tests are completed not later than the earlier of 45 unit operating days or 180 calendar days after the date that the unit recommences commercial operation of the affected unit, notice of which date shall be provided under subpart G of this part. The owner or operator shall determine and report SO<sub>2</sub> concentration, NO<sub>x</sub> emission rate, CO<sub>2</sub> concentration, and flow data for all unit operating hours after the applicable compliance date in paragraph (a) of this section until all required certifi-

cation tests are successfully completed using either:

(1) The maximum potential concentration of SO<sub>2</sub>, the maximum potential NO<sub>x</sub> emission rate, the maximum potential flow rate, as defined in section 2.1 of appendix A of this part, or the maximum CO<sub>2</sub> concentration used to determine the maximum potential concentration of SO<sub>2</sub> in section 2.1.1.1 of appendix A of this part; or

(2) Reference methods under § 75.22(b); or

(3) Another procedure approved by the Administrator pursuant to a petition under § 75.66.

(e) In accordance with § 75.20, if the owner or operator of an existing unit completes construction of a new stack, flue, or flue gas desulfurization system after the applicable deadline in paragraph (a) of this section, then the owner or operator shall ensure that all monitoring systems required under this part for monitoring SO<sub>2</sub>, NO<sub>x</sub>, CO<sub>2</sub>, opacity, and volumetric flow are installed on the new stack or duct and all certification tests are completed not later than 90 calendar days after the date that emissions first exit to the atmosphere through the new stack, flue, or flue gas desulfurization system, notice of which date shall be provided under subpart G of this part. Until emissions first pass through the new stack, flue or flue gas desulfurization system, the unit is subject to the appropriate deadline in paragraph (a) of this section. The owner or operator shall determine and report SO<sub>2</sub> concentration, NO<sub>x</sub> emission rate, CO<sub>2</sub> concentration, and flow data for all unit operating hours after emissions first pass through the new stack, flue, or flue gas desulfurization system until all required certification tests are successfully completed using either:

(1) The appropriate value for substitution of missing data upon recertification pursuant to § 75.20(b)(3); or

(2) Reference methods under § 75.22(b) of this part; or

(3) Another procedure approved by the Administrator pursuant to a petition under § 75.66.

(f) In accordance with § 75.20, the owner or operator of a gas-fired or oil-fired peaking unit, if planning to use appendix E of this part, shall ensure